



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,305	01/25/2001	Vincent Chern	50310-00639	4151

7590 03/22/2005

Louis M Heidelberg
Reed Smith LLP
2500 One Liberty Place
Philadelphia, PA 19103-7301

EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2684

DATE MAILED: 03/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/768,305	Applicant(s) CHERN ET AL.	
	Examiner Tu X Nguyen	Art Unit 2684	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 March 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) a set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-63.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

In respond to applicants, regarding independent claims, applicants argue that "Applicant respectfully disagrees with the present Office Action's analysis of Kim, which states the profile data 138a in the master database 136 is local synchronized with database 160 (see col. lines 61-64). Therefore, database's 160, 138a and 136 are localized between themselves', however, the database's are indirect connect (remotely) with the MIA 102 via network 132 (see fig. 3)". (present Office Action at section 1, page 2) It seems rather obvious, that because databases 160 and 136 are different databases located in different places, that database 136 is remote from database 160 and needs an internet connection to pass data between databases 136 and 160, and that database 160 is resident in the local device, then database 160 is NOT remotely located. Specifically, the Office Action states databases 136 and 160 are localized, but in fact, these two databases require a network to achieve connectivity. This means that databases 136 and 160 are not local in reference to each other. Also, Kim specifically states at Column 7, lines 38-42 'The local memory 106 includes a local database 160, which fudher includes a profile data 138b. Profile data 138a, 138b are stored in two locations, in the database master 136 and also in the local database 160 in a form of a "cached" copy." (emphasis added) Therefore, Applicant respectfully submits the present Office Action mischaracterizes database 160 at least in it being remote, no less as a remotely located knowledge agency, as recited in Claim 1 of the present invention." However, Kim discloses "the MIA 102 can connect to the network 132 via the Internet, LAN, MAN, WAN, cable TV network, cellular phone network, etc. These items are stored either in an Application/services server 150 or a master database 136" (see col.7 lines 15-17); the database's are indirect connect (remotely) with the MIA 102 via network 132 (see fig.3, col.8 lines 3-31).

Aplicant argue that "database 160 nor database 136 is a knowledge agency". However, Kim disclose "user identification, pointer data, user information, attributes, etc.", see col.8-9", reads on knowledge agency with broadly reasonable interpretation.

Regarding to applicant argue page 21 last paragraph through page 2 and claim 7-8, it is noted that the features upon which applicant relies (i.e., "...knowledge agent having expertise related to the request are assigned to gather information responvice to the request> Agent 402 may access a number of resources in order to gather the necessary information.....page 12, last paragraph..further search for and gather information, page 13 first full paragraph. These features of the knowledge agency are not tasks or actions that can be performed by a database. In fact, part of the funtion of the knowledge agency is to access databases, ot to merely be a database) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For 103 rejection and with respect to claim 45, applicant argue that "the teaching or suggestion to make the claimed combination and the reasonable expectation of success....", The combination of Kim, Lumelsky and Dowling are in the same field of endeavor, wireless device which includes feature such GPS and internet, etc.

TN

3/21/05

703-305-3427


NAY MAUNG

SUPERVISORY PATENT EXAMINER